

***United States Court of Appeals
for the Second Circuit***



**APPELLEE'S
APPENDIX**

74-1838

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**United States Court of Appeals
FOR THE SECOND CIRCUIT**

Docket No. 74-1838

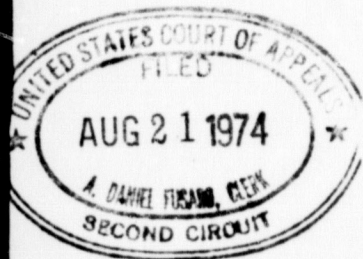
UNITED STATES OF AMERICA,
Appellee,

—against—

OSMUNDO RODRIGUEZ,
Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

GOVERNMENT'S APPENDIX



DAVID G. TRAGER,
*United States Attorney,
Eastern District of New York.*

PAGINATION AS IN ORIGINAL COPY

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DEFENDANT'S NOTICE OF MOTION DATED SEPTEMBER 20, 1972
WITH ANNEXED AFFIDAVIT

A 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA,

NOTICE OF MOTION

- against -

JOHN WILLIAM OSBORNE and
OSMUNDO RODRIGUEZ,

72 CR 972

Defendants.

- - - - - X

S I R :

PLEASE TAKE NOTICE, that upon the annexed affidavit of HERBERT I. HANDMAN, sworn to the 29th day of September, 1972 and upon the indictment and all the proceedings heretofore had herein, the defendant OSMUNDO RODRIGUEZ, will move this Court before the HONORABLE LEO RAYFIEL, at a date and time convenient to the Court in Room , United States Court-house, Cadman Plaza, Brooklyn, County of Kings, City and State of New York, for an Order granting the following relief:

I.

The defendant OSMUNDO RODRIGUEZ seeks pursuant to Rule 16 of the Federal Rules of Criminal Procedure an Order:

(a) Requiring the government to produce for the defendant's inspection, copying, and recording, any and all purported confessions, admissions or statements allegedly made by the defendants to officers or agents of the government or persons acting in their behalf and at their bequest, whether such are reduced to writing or not, or recorded by any means or not, so long as the same are within the possession, control or custody of the government;

(b) Requiring the government to disclose all factual information in its possession concerning the subject matter of this indictment which the government does not intend to introduce into evidence upon the trial of this action;

(c) Requiring the Government to disclose the names, and addresses and telephone numbers of all witnesses known to the government and known by the government to have knowledge concerning the subject matter of the within indictment, and whom the government does not intend to call to testify in its behalf at the trial of this case;

(d) Requiring the government to disclose all statements made by witnesses described immediately above, which statements the government does not intend to use at the trial of this case;

(e) Requiring the government to disclose all factual information which might reasonably tend to establish the innocence of the defendants herein or to refute, impeach, or contradict any of the evidence the government intends to introduce upon a trial of this action;

(f) Requiring the government to disclose with respect to each of the witnesses who the government intends to call to testify in its behalf at the trial of this case the results of all medical and/or psychiatric examination, if any, conducted of these witnesses by agents of the government or within the knowledge of the government and the records of these witnesses' criminal activity, if any, indicating all prior arrests and ultimate dispositions;

(g) Requiring the government to disclose and make available to the defendants for their inspection, copying and recording all books, papers and/or documents seized, taken, or obtained by the government from the defendant or in which the defendant has any property or other interest, in connection with the subject matter of the within indictment;

(h) Requiring the government to disclose and produce to the defendant for his inspection, copying and recording, all photographs, motion pictures, or still pictures of the defendant herein in any manner connected with this case or used or to be used in any manner by any witness interviewed by the government in connection with this case;

(i) Requiring the government to disclose and produce for the defendant's inspection, copying, and recording, the results and reports of scientific tests or experiments made by the government in connection with this action, including, but not limited to, fingerprinting analysis, atomic

absorption tests, neutron activation analysis, and handwriting analysis;

(j) Requiring the government to disclose all other evidence relevant to the guilt or innocence of the defendant within the possession of the government which evidence the government does not intend to introduce on the trial of this action.

II

The defendant, OSMUNDO RODRIGUEZ, moves pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure for an Order requiring the government to serve and file a Bill of Particulars setting forth the following:

AS TO COUNTS ONE AND TWO:

(a) The exact time or times and duration of each during which it is alleged the defendant Rodriguez distributed the heroin;

(b) The place or places wherein it is alleged the heroin was distributed to and from;

(c) If it is claimed that said defendant possessed said heroin with intent to distribute, then the time and duration during which it is alleged the defendant Rodriguez possessed the heroin with intent to distribute; and the place or places wherein it is alleged the heroin was possessed.

AS TO COUNT THREE:

(a) State precisely the time, place and number of the meetings or conversations at which it is claimed the defendant Rodriguez conspired or discussed the said conspiracy alleged in said Count Three and the names and addresses of any and all persons present thereat;

(b) State the exact time of day and place where it is claimed the said defendant Osborne gave said cocaine to an agent; the name and address of all persons present; whether there was any conversation which took place at such time and place and if so, what was said and by whom in detail.

- 4 -

III.

Requiring the government to disclose whether or not any eavesdropping, wiretapping, or electronic surveillance of any kind whatever was conducted in connection with the investigation leading to the above indictment and if such surveillance has been conducted, for an Order directing the government to permit as a predicate for further motions the inspection of any and all logs, records, recordings or tapes of any such eavesdropping, wiretapping or other electronic surveillance.

IV.

For an Order directing the Government to retain in its custody and possession any and all notes, memoranda, recordings and reports, original or otherwise, made by any Agent of the Government in connection with his investigation of this case including, but not limited to, Agents of the Internal Revenue Service and the Bureau of Narcotics and Dangerous Drugs and other reports relating to their interviews of various witnesses to the activities alleged in this indictment.

- 5 -

AND for such other and further relief as to the
Court may seem just and proper.

Dated: New York, New York
September 20, 1972

Yours, etc.

HERBERT I. HANDMAN
Attorney for Defendant Rodriguez
Office & P. O. Address
36 West 44th Street
New York, New York 10036
(212) YU 6-5460

TO:
United States Attorney For The
Eastern District of New York

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

JOHN WILLIAM OSBORNE
and OSMUNDO RODRIGUEZ,

Defendants.

- - - - - X

STATE OF NEW YORK)	
)	ss.:
COUNTY OF NEW YORK)	

HERBERT I. HANDMAN, being duly sworn, deposes and
says:

1. I am the attorney for OSMUNDO RODRIGUEZ, one of
the defendants above named, and make this affidavit in support
of the relief sought herein.

2. The discovery motion is based on the defendant's
right to be advised of all evidence within the possession of the
prosecution that would be of benefit to the defendant in the
prosecution of his defense. The adversary system imposes a
serious burden upon both sides insofar as evaluation of evidence
of benefit to the other is concerned. Each side deprecates the
value of evidence of no use to it. This evidence, however, we
may well be of invaluable assistance to the opposite party.
The government should not have the right to determine what
defense may be of use to the defendant. Despite any protestations
to the contrary, the United States Attorney in his role as

prosecutor does not represent all of the people. He certainly does not represent defendant. The defendant is entitled to do his own appraisal of any available evidence. What defendant should have are materials which are the basis of the government's case to be submitted ultimately to the Court.

3. The purpose of particulars is to require the government to confine its case within set boundaries and limitations so that the defendant may proceed to defend. He must know dates and times with particularity to determine if an alibi defense is available. He must know such items in order to avail himself of the defense of double jeopardy in the event of subsequent prosecutions. The general language of an indictment is deliberately insufficient to inform the defendant of the particulars of his alleged crime. Generally all that he ever knows as a result of reading an indictment is that he is alleged to have committed a certain crime on or about a certain date. Hon. Judge Dooling is this District, recently dismissed one of these general indictments. U.S. v. Cordovano, 71G. In this regard, it is material and necessary in order to prepare properly for the defense of this case that counsel be provided with at least the exact places and times when the specific acts charged in the indictment are alleged to have taken place. The indictment, merely repeating the statutory language. It is imperative for the defense to be informed of what the defendant Rodriguez is alleged to have done, and where and when he allegedly did it, as distinct from activity attributable to the other co-defendants. Thus, the defendant, Rodriguez is entitled to particulars as to the

dates, times and place of the overt act alleged (see United States v. Bentvena, 193 F. Supp. 485, (D.C.N.Y. 1960), and to a bill of particulars designating where he was alleged to have distributed or possessed the designated drug (see United States v. Wilson, 20 F.R.D. 569 (D.C.N.Y. 1957)).

4. With respect to the motion which is directed towards possible wiretapping and/or other electronic surveillance or eavesdropping conducted by the government in connection with this case, the very nature of such surreptitious investigatory practices requires the relief sought herein as the bare minimum required by the defendants to enforce their constitutional rights.

5. Finally, the defendant has asked this Court for an Order directing the government, in substance, to preserve whatever notes and memoranda may now exist to which the defendant would be entitled at the trial of this proceeding should these respective agents testify. The Court is well aware of the practice by various government agencies to destroy original and other notes and memoranda made in connection with their investigatory activities prior to the incorporation of these notes and memoranda into other reports and as to by-pass the Jenks Act and Drady v. Maryland. We simply request an Order directing that this not be done.

WHEREFORE, your deponent respectfully prays that the relief sought herein be granted, and for such other and further relief as to the Court may seem just and proper.

15/ HERBERT I. HANDMAN
HERBERT I. HANDMAN

Sworn to before me this
20th day of September, 1972.

JB:FJS:mb
#723,599

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

BILL OF PARTICULARS

-against-

72 CR 972

OSMUNDO RODRIGUEZ and
JOHN WILLIAM OSBORNE,

Defendants.

Pursuant to a notice of motion made by the defendant, OSMUNDO RODRIGUEZ, for a Bill of Particulars, the Government herewith serves and files a Bill of Particulars as to the following matters:

I

(a) Enclosed you will find notes by Assistant United States Attorney Francis J. Sheerin on defendant's statement to him.

(b) Will not comply except upon court order.

(c) Will not comply.

(d) Will not comply.

(e) Will not comply.

(f) Will not comply.

(g) Can see anything seized from Rodriguez on request.

(h) Will not comply.

(i) No objection - copy of chemists reports attached.

(j) Government is aware of Brady obligation - and is unaware of any information which would indicate the innocence of the defendant Rodriguez.

AS TO COUNTS ONE AND TWO:

(a), (b) June 23, 1972 - Hawthorne Street,
Brooklyn, New York.

June 27, 1972 - Hawthorne Street,
Brooklyn, New York.

(c) Will not comply except upon court order.

AS TO COUNT THREE:

(a) Will not comply except upon court order.

(b) Will not comply except upon court order.

III

There is to my knowledge no bugging, eavesdropping or wiretapping in this investigation.

IV.

Will not comply except upon court order.

Dated: Brooklyn, New York
January 10, 1973

Yours, etc.

Robert A. Morse
United States Attorney
Eastern District of New York

By: Francis J. Sheerin
Assistant U. S. Attorney

TO:
Herbert I. Handman, Esq.
36 West 44th Street
New York, New York 10036

July 24, 1972

420⁰⁰ - A arrives - I did all talking

430 - Sent A ~~off~~ out of room and spoke with agent.

435 A returns - I gave A his rights then gave him BN rights form to read he did and said he understood. Told work pass going to ~~be given~~ back no matter what he says - i.e. whether he helps us or not

uses cocaine - last week last time been in cocaine 1 year.

Only knows about quarter of a ~~year~~. He admits that transaction. Think he said he brought stuff to Osborne 2nd time - (27th) is the approx 2nd time in complaint.

4:40

Torajo is supposedly his source so he says.

Spoke and understood English.

SpL

REPORT OF PROPERTY COLLECTED, PURCHASED OR SEIZED

A

12

AGENCIES INVOLVED: <input checked="" type="checkbox"/> BND ONLY <input type="checkbox"/> JOINT CUSTOMS <input type="checkbox"/> JOINT STATE/LOCAL <input type="checkbox"/> OTHER		1. NAME OF SUBJECT OR ESTABLISHMENT <u>John CRSEBORNE</u> 2. REGION OR DISTRICT <u>New York, New York</u>	3. FILE NUMBER <u>100-100000</u> 4. DATE <u>6/26/72</u>
--	--	--	--

DESCRIPTION OF:				
4. PURCHASE <input type="checkbox"/> SEIZURE <input type="checkbox"/> FREE SAMPLE <input type="checkbox"/> OTHER <input type="checkbox"/>				
5. EXHIBIT NUMBER	6. ALLEGED DRUGS	7. MARKS OR LABELS (DESCRIBE FULLY)	8. APPROXIMATE GROSS QUANTITY	9. EST. RETAIL VALUE
1	Cocaine	A white powder contained in a piece of clear plastic foil bearing the initials EAC & BPA and case # CL-72-0392	2.1 gms	\$100.00

OTHER PROPERTY		
10. NUMBER	11. NAME AND DESCRIPTION OF ARTICLES	12. EST. RETAIL VALUE
	Exhibit #1 was purchased by S/A Abbott & S/A Coghlan as a sample for \$100.00 C/F from John CRSEBORNE O BLACK JOHN on June 23, 1972 at approx 8:50 PM at 265 Hawthorne St. Apt. 1-B, Brooklyn, New York. CRSEBORNE received Ex. #1 from John Doe O RAY. Ex. #1 was placed in the BND safe for weekend safekeeping on 6/23/72 by S/A's Coghlan & Abbott. On 6/26/72 S/A Coghlan & S/A Abbott weighed, initialed and sealed Ex. #1. Ex. #2 was carried by S/A Coghlan on 6/26/72.	
13. REMARKS		
14. SOURCE <input checked="" type="checkbox"/> FOREIGN OR <input type="checkbox"/> DOMESTIC <input type="checkbox"/> ILLICIT OR <input type="checkbox"/> LICIT		
15. APPROVED BY (SIGNATURE AND DATE) Edward M. Coghlan Jr. 6/26/72		

LABORATORY EVIDENCE RECEIPT REPORT		
17. NO. PACKAGES 1	18. RECEIVED FROM (SIGNATURE AND DATE) Edward M. Coghlan Jr. 6/26/72	19. TITLE Special Agent
20. SEAL BROKEN UNBROKEN	21. RECEIVED BY (SIGNATURE AND DATE) M. Coghlan 6/26/72	22. TITLE C. Coghlan

LABORATORY ANALYSIS/COMPARISON REPORT					
23. ANALYSIS SUMMARY AND REMARKS					6/30/72
Drug Code 9041					8178
Ex 1 contains cocaine and sugar					
Gross weight 9.26 gms. Net weight 6.95gms.					

24. EXHIBIT	25. ACTIVE DRUG INGREDIENT (ESTABLISHED OR COMMON NAME)	WEIGHT PER UNIT ANALYZED			29. TOTAL NET	30. RESERVE
		26. STRENGTH	27. MEASURE	28. UNIT		
1	Cocaine (calculated as Hydrochloride)	19.6	percent		1.36gms.	8.94gms.
31. ANALYST (SIGNATURE) Paul. DeZan		32. TITLE Chemist			33. DATE COMPLETED 6/28/72	
34. APPROVED BY Paul. DeZan		35. TITLE Supervisory Chemist			36. LABORATORY LOCATION New York	

SEAL RECORD			
37. DATE SEALED	38. IDENTIFICATION ON SEAL	39. DATE BROKEN	40. BROKEN BY (SIGNATURE)
6/26/72 6/28/72	ENC & BPA, John Doe	6/28/72	John Doe

AGENCIES INVOLVED:		1. NAME OF SUBJECT OR ESTABLISHMENT	2. FILE NUMBER (CL-72-0292)
<input checked="" type="checkbox"/> BIDD ONLY	<input type="checkbox"/> JOINT CUSTOMS	John CRSDORNE	
<input type="checkbox"/> JOINT STATE/LOCAL	<input type="checkbox"/> OTHER	3. REGION OR DISTRICT	4. DATE
		New York, New York	6/27/72

DESCRIPTION OF:		<input type="checkbox"/> PURCHASE	<input type="checkbox"/> SEIZURE	<input checked="" type="checkbox"/> FREE SAMPLE	<input type="checkbox"/> OTHER
5. EXHIBIT NUMBER	6. ALLEGED DRUGS	7. MARKS OR LABELS (DESCRIBE FULLY)		8. APPROXIMATE GROSS QUANTITY	9. ILLEGITIMATE VALUE OR CODE
2	Cocaine	White crystalline powder contained in a piece of aluminum foil bearing the initials J.C. & P.A. & case # CL-72-0292		0.25 gms.	85.00

OTHER PROPERTY		
10. NUMBER	11. NAME AND DESCRIPTION OF ARTICLES	12. ESTIMATED VALUE

13. REMARKS	14. SOURCE
Exhibit #2 was given to S/A's Coghlan & Abbotts a free sample by John CRSDORNE & BLACK JOHN on 6/27/72 at approx. 1:30 PM at 265 Hawthorne St. Apt. 1-D Brooklyn, New York. On 6/27/72 S/A's Coghlan & Abbott weighed initialed & sealed Exhibit #2 and S/A Coghlan carried it to the DDD Chemist	<input checked="" type="checkbox"/> FOREIGN OR <input type="checkbox"/> DOMESTIC <input type="checkbox"/> ILLICIT OR <input type="checkbox"/> LICIT

15. SUBMITTED BY SPECIAL AGENT (SIGNATURE)	16. APPROVED BY REGIONAL DIRECTOR (SIGNATURE)
Edward M. Coghlan Jr. S/A	Anthony J. Sarneca JGS

LABORATORY EVIDENCE RECEIPT REPORT		
17. NO. PACKAGES	18. RECEIVED FROM (SIGNATURE AND DATE)	19. TITLE
1	Edward M. Coghlan Jr.	Special Agent
20. SEAL	21. RECEIVED BY (SIGNATURE AND DATE)	22. TITLE
<input checked="" type="checkbox"/> BROKEN <input type="checkbox"/> UNBROKEN	W. Coghlan 6/27/72	Investigative Tech

LABORATORY ANALYSIS/COMPARISON REPORT	
23. ANALYSIS SUMMARY AND REMARKS	6/30/72 8213

Drug Code 9041, 8221

Ex 2 contains cocaine, sugar and procaine.

Gross weight 0.24gms. Net weight 0.12gms.

24. EXHIBIT	25. ACTIVE DRUG INGREDIENT (ESTABLISHED OR COMMON NAME)	WEIGHT PER UNIT ANALYZED			28. TOTAL NET	29. RESERVE
		26. STRENGTH	27. MEASURE	28. UNIT		
2	Cocaine (calculated as Hydrochloride)	47.4	percent		0.57gms.	0.01gms.
31. ANALYST (SIGNATURE)		32. TITLE			33. DATE COMPLETED	
Henderson H. Griffith		Chemist			6/29/72	
34. APPROVED BY		35. TITLE			36. LABORATORY LOCATION	
Paul D. Zane		Supervisory Chemist			New York	

SEAL RECORD			
37. DATE SEALED	38. IDENTIFICATION ON SEAL	39. DATE BROKEN	40. BROKEN BY (SIGNATURE)
6/27/72	PC & P.A.	6/27/72	Henderson H. Griffith
6/28/72	Griffith & Griffith		

REPORT OF PROPERTY COLLECTED, PURCHASED OR SEIZED

A 14

AGENCIES INVOLVED: <input checked="" type="checkbox"/> BNDD ONLY <input type="checkbox"/> JOINT CUSTOMS <input type="checkbox"/> JOINT STATE/LOCAL <input type="checkbox"/> OTHER		1. NAME OF SUBJECT OR ESTABLISHMENT John OSBORNE	2. FILE NUMBER 61-72-3322
		3. REGION OR DISTRICT New York, New York	4. DATE 6/28/72

DESCRIPTION OF:		<input checked="" type="checkbox"/> PURCHASE <input type="checkbox"/> SEIZURE <input type="checkbox"/> FREE SAMPLE <input type="checkbox"/> OTHER		
5. EXHIBIT NUMBER	6. ALLEGED DRUGS	7. MARKS OR LABELS (DESCRIBE FULLY)	8. APPROXIMATE GROSS QUANTITY	9. ILLEGITIMATE VALUE OR COST
3	Cocaine	White crystalline powder contained in a clear plastic bag secured by a rubber band and bearing the initials EMC & EPA	53.5 gms.	\$1100.00

10. NUMBER	11. NAME AND DESCRIPTION OF ARTICLES	12. ESTIMATED VALUE

Exhibit #3 was purchased by S/A's Coghlan & Abbott for \$1,100 OAF at 6/27/72.

13. REMARKS: 6:15pm On 6/27/72 at Apt. 265 Hawthorne St. Brooklyn, N.Y. from John OSBORNE. Custody of Ex. #3 was maintained by S/A Coghlan. On 6/28/72 Ex. #3 was placed in the BNDD safe by S/A's Coghlan & Abbott for overnight safekeeping. On 6/28/72 S/A's Abbott & Coghlan weighed sealed and initialed Ex. #3 and it was hand delivered to the BNDD Chemist by S/A Coghlan.

14. SOURCE
☐ FOREIGN OR
☐ DOMESTIC
☒ ILLEGIT OR
☐ LEGIT

15. SUBMITTED BY SPECIAL AGENT (SIGNATURE) *E. M. Coghlan Jr.* 16. APPROVED BY REGIONAL DIRECTOR (SIGNATURE) *[Signature]* 67-25-72

LABORATORY EVIDENCE RECEIPT REPORT		
17. NO. PACKAGES 1	18. RECEIVED FROM (SIGNATURE AND DATE) <i>E. M. Coghlan Jr.</i>	19. TITLE Special Agent
20. SEAL <input checked="" type="checkbox"/> BROKEN <input type="checkbox"/> UNBROKEN	21. RECEIVED BY (SIGNATURE AND DATE) <i>[Signature]</i> 6/28/72	22. TITLE <i>[Signature]</i>

LABORATORY ANALYSIS/COMPARISON REPORT		7/10/72
23. ANALYSIS SUMMARY AND REMARKS		8231

Drug Code 9042

Ex 3 contains cocaine hydrochloride and sugar.

Gross weight 53.49 gms. Net weight 52.02 gms.

24. EXHIBIT	25. ACTIVE DRUG INGREDIENT (ESTABLISHED OR COMMON NAME)	WEIGHT PER UNIT ANALYZED			29. TOTAL NET	30. RESERVE
		26. STRENGTH	27. MEASURE	28. UNIT		
3	Cocaine Hydrochloride	6.2	percent		3.23 gms.	51.14 gm

31. ANALYST (SIGNATURE) *[Signature]* 32. TITLE Chemist 33. DATE COMPLETED 7/7/72

34. APPROVED BY *[Signature]* 35. TITLE Supervisory Chemist 36. LABORATORY LOCATION New York

SEAL RECORD			
37. DATE SEALED	38. IDENTIFICATION ON SEAL	39. DATE BROKEN	40. BROKEN BY (SIGNATURE)
6/28/72	EMC & EPA	6/29/72	<i>[Signature]</i>
7/7/72	<i>[Signature]</i>		

Court
E-1
72-972

END FORM 610 (7/70)

REPORT OF INVESTIGATION

PAGE 1 OF 1

FILE TITLE

OSBORNE, John

IDENTIFIER

DA 4-53

FILE NUMBER

01-72-0392 (CF.33)

☒ ACTIVE ☐ CLOSED ☐ REQUESTED ACTION
☐ ACTION REQUESTED ☐ COMPLETED

OFFICIAL OFFICERS

CROSS

RELATED FILES

BY EDWARD M. COGHLAN, JR.

Special Agent:
Lynn C. WheelerAT Special Agent
New York, New York

DATE September 7, 1972

☐
☐
☐
☐
☐

REPORT ON

Interview of Gerardo RODRIGUEZ.

DETAILS:

1. Reference is made to EMD-6 by Special Agent Edward M. Coghlan dated July 27, 1972 re: Arrest of Gerardo RODRIGUEZ.
2. On July 24, 1972, AUSA Frank Sheerin interviewed Gerardo RODRIGUEZ at the Eastern District of New York in the presence of S/A's Lynn Wheeler and Edward Coghlan.
3. Mr. Sheerin advised RODRIGUEZ of his constitutional rights as per EMD-13A at approximately 4:35 P.M. RODRIGUEZ stated that he understood his rights and said he was willing to make statements about his dealings with S/A Coghlan. During the course of the interview, RODRIGUEZ admitted that he had personally used cocaine for about one year. RODRIGUEZ admitted that he had brought a quarter ounce of cocaine, which he termed a quarter piece, to 265 W. 125th Street on June 23, 1972 as a sample for S/A's Coghlan and Abbott. RODRIGUEZ also admitted that on June 27, 1972, he brought about two ounces of cocaine to 265 W. 125th Street which S/A's Coghlan and Abbott later purchased. RODRIGUEZ stated that the source of the cocaine was from an individual that he knew as TOCADO, but he did not know anything else about this individual. RODRIGUEZ was advised by AUSA Sheerin that the Waterfront Commission would be notified of his arrest and that his license as a checker for the Waterfront Commission would most probably be suspended whether or not he decided to cooperate with the government. RODRIGUEZ stated that he understood.

REGION

DISTRICT

OTHER

ONLY COPY AVAILABLE

SIGNATURE(S) (Date)

Edward M. Coghlan, Jr.

APPROVED (Name and Title)

John Edgar Costello, Jr. Supervising

Re: 10/2/72, NY-7

ORIGINAL USE ONLY

Bureau of Narcotics and Dangerous Drugs

